



MINISTRY OF NATIONAL INSURANCE

National Insurance Act, 1946

Maternity Benefits

Report of the National Insurance Advisory
Committee in accordance with Section 41 of the
National Insurance Act, 1946 on the
Maternity Benefit Provisions

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Report on the Maternity Benefit Provisions of the National Insurance Act, 1946

To the Right Honourable Osbert Peake, M.P.,
Minister of National Insurance.

SIR,

Introduction

On 11th May, 1950, your predecessor asked us, in accordance with Section 41 (3) of the National Insurance Act, 1946:—

- ¹(1) to consider the operation of the present provisions of the National Insurance Act, 1946, and Regulations made thereunder, in relation to maternity, and
- (2) to advise what changes (if any) should be made in those provisions so as to secure that, without adding to the present liability of the National Insurance Fund in respect of maternity, the money available shall be used to the best advantage in helping to meet the monetary needs of women in connection with maternity.

2. On 23rd May, 1950, we gave notice in the London and Edinburgh Gazettes, and to the Press, of the reference to us of this question, stating that we would consider representations from organisations and persons concerned sent to us before 31st August, 1950.

3. Since that date she has also referred to us, on 25th September, 1950, the question of time limits for claiming benefit under the National Insurance scheme, and the provisions for extinguishment of right to benefit not obtained within the prescribed time. She asked us however, as part of the general review of the maternity benefit provisions, to consider and advise separately on the question of time limits relating to the maternity benefits, either in their present form, or, if we recommend any changes in those benefits, in the form recommended.

4. We have received representations on the maternity benefit provisions from a number of organisations interested in public health and social questions and from individuals. We have considered the question at nineteen meetings from 11th May, 1950 to 29th November, 1951 and at five of these we received oral evidence. In our consideration of the operation of the present provisions, and of the complicated issues involved, we have received very considerable help from the Ministry of National Insurance, who have placed at our disposal a quantity of material, including facts obtained as the result of special enquiries in 1949 and 1950 into the operation of the maternity benefit provisions. The Government Actuary's Department, the Ministry of Health, the Department of Health for Scotland and the Ministry of Labour and National Service have also supplied us with most useful information.

5. We considered it advisable to hear oral evidence from interested bodies who have had experience of the maternity benefit provisions, and we have learnt the views on this question of a number of representative persons and organisations, who were invited to give evidence before us. We are very much indebted to the numerous bodies and individuals who have assisted us, not only for the information they have given, but for their views on the difficult questions we have had before us.

Section I. Existing Provisions

Background of the present scheme

6. Although maternity benefit under a State scheme was not introduced until 1911, the employment of women in factories or workshops during the four weeks following confinement had been prohibited as early as 1891—under the Factory and Workshop Act of that year. This prohibition has been repeated in subsequent legislation and is at present applied under the Public Health Act, 1936 and the Factories Act, 1937.

7. Payment of a maternity benefit, on confinement, was first made under the National Insurance Act of 1911, which provided for a payment, ordinarily of 30s., based on the insurance either of the woman or of her husband. Under the 1913 Act an insured woman could qualify for double benefit, since if her husband was not insured (or being insured was not entitled to benefit) she was entitled to a second maternity benefit on her own insurance. The basic rate was raised to £2 by the National Health Insurance Act of 1920, and after July, 1921, many Approved Societies supplemented the benefit from their surplus funds, though rarely by more than a few shillings. There was then no system of weekly allowances during pregnancy, but, as the years passed, claims to sickness benefit during pregnancy by married women showed a noticeable increase. Sickness benefit was not ordinarily payable during the four weeks after confinement.

8. In October, 1919, the General Conference of the International Labour Organisation adopted, at Washington, a Convention, concerning the Employment of Women before and after Childbirth, known as the "Maternity Protection Convention". The following is an extract from Article 3 of the Convention:—

"In any public or private industrial or commercial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

- (a) shall not be permitted to work during the six weeks following her confinement;
- (b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks;
- (c) shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance . . . no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place."

No rate of benefit was laid down, the amount being left to be determined separately by each country which ratified the Convention. The Convention has not been ratified by the United Kingdom Government.

9. We understand that the Governing Body of the International Labour Office has decided to place the question of the total revision of the Convention on the agenda of the 1952 session of the General Conference of the International Labour Organisation.

10. In his Report on Social Insurance and Allied Services, published in 1942, Lord (then Sir William) Beveridge proposed that all married women, whether themselves gainfully occupied or not, should be entitled to a maternity grant, of an amount "materially above" its existing figure. The amount he suggested was £4. It was not intended to cover the whole cost of maternity, which, he said, had a reasonable and natural claim upon the husband's earnings.

11. Lord Beveridge also proposed that gainfully occupied married women should have, in addition, a maternity benefit payable for a period of thirteen weeks including the week of confinement, on condition of giving up "for the time" their gainful occupation. Its object was "to make it easy and attractive for women to give up gainful occupation at the time of maternity". He considered that the benefit should be materially higher than ordinary unemployment or sickness benefit and suggested a rate of 36s. a week.

12. In September, 1944 the Government put forward in a White Paper (Social Insurance Part I) their proposals for a new scheme of social insurance. The benefits proposed by the Government included a maternity grant of £4 and, for gainfully occupied women, a further benefit of 36s. a week for thirteen weeks as suggested by Lord Beveridge, and, in addition, for women not eligible for the latter benefit, an attendance allowance of £1 a week for the four weeks following confinement. These provisions were incorporated in the National Insurance Act, 1946.

The present maternity benefits

13. The National Insurance Act, 1946 provides, under Sections 14 to 16 and Part I of the Second Schedule to the Act (see Appendix 1 for extracts of these provisions) for the following benefits:—

- (a) Maternity grant—£4 for each child. The grant has its origin in the maternity benefit payable under the old National Health Insurance scheme, and was intended to help all mothers, whether gainfully occupied or not, with the general expenses of the confinement.
- (b) Attendance allowance—£1 a week for the four weeks following confinement, on condition that the woman does no paid work during that time. This benefit, which has no counterpart in earlier legislation, was designed to assist in paying for domestic help after child-birth.
- (c) Maternity allowance—36s. a week for thirteen weeks, beginning with the sixth week before the expected week of confinement. The payments for the normal period of thirteen weeks amount altogether to £23 8s. If the confinement is delayed, the period is extended. The woman may not draw the allowance while working. This benefit, which reflects the recommendations in the Maternity Protection Convention of 1919 (see paragraph 8) and which is based on the recommendation in the Report of Lord Beveridge, was designed to make it "easy and attractive" for the working mother, who would go back to work after confinement, to give up work for the three months of the benefit period. The rate of this allowance was fixed substantially above the rates of unemployment and sickness benefit with this specific object in view.

14. A woman can be eligible for attendance allowance or maternity allowance, but not for both. Maternity grant is paid in addition to either allowance. Unmarried women are eligible for maternity benefit on their own insurance on the same conditions as married women.

Sickness and unemployment benefit in pregnancy and after childbirth

15. Sickness benefit and unemployment benefit are payable during pregnancy and after confinement on the normal conditions, except that under the provisions of the National Insurance (Overlapping Benefits) Regulations, 1948 neither sickness nor unemployment benefit is payable at the same time as maternity allowance or attendance allowance, but either may be drawn instead if of greater amount.

16. Sickness benefit is payable only during incapacity for work and, as a rule, the statutory authorities who decide claims to benefit do not accept a certificate of normal pregnancy as evidence of incapacity except for the six weeks before the expected confinement. Incapacity is normally accepted as continuing for two weeks after confinement, but thereafter only subject to the submission of further evidence in the normal way. For other periods during pregnancy, sickness benefit is payable only if there is some incapacity apart from pregnancy, or if there are medical complications or other special circumstances.

17. Unemployment benefit can be claimed during pregnancy or after childbirth only if, like any other claimant for unemployment benefit, the woman can prove that she is both capable of and available for work. Some women may be obliged to give up their employment at a very early stage because of its heavy nature; others because it is the rule at their particular place of work. Both may be available for other kinds of work if they can undertake it.

Section II. Financial Considerations

The money available for maternity benefit

18. Our terms of reference require us to limit our proposals in such a way as not to increase the present liability of the National Insurance Fund in respect of maternity, but within those limits to recommend any changes we think advisable to secure that the money available is used to the best advantage in helping to meet the monetary needs of women in connection with maternity. Because of this financial limitation we have received some representations that, since to increase one maternity benefit would involve compensatory reduction in another, no alteration in the amounts of the maternity benefits payable ought to be considered until the general review of all benefits, provided for in the Act, is undertaken. We do not accept this argument, since it is implicit in our terms of reference that we should recommend a redistribution of the "money available" for maternity benefit, if it seems to us that the money could thus be used to greater advantage.

19. The question of the actual amount of money that can be spent on these benefits in the future involves actuarial considerations on which we have had valuable advice from the Government Actuary. He has however been at pains to advise us of the difficulty involved in making any estimate of the future cost of maternity benefit. As has been explained to us, and as is described in paragraph 28 of the First Interim Report by the Government Actuary on the operation of the National Insurance Act, the cost of maternity benefits is a complex matter, depending on a number of factors, a change in any one of which may operate in the future to upset any calculations previously made. The present costs also depend on the extent to which women are at the moment availing themselves of the benefits provided and on the numbers who are disqualified by one or other of the limiting conditions. It should, moreover, be recognised that the Government Actuary,

in estimating the amount of "money available", must necessarily base his advice on the estimates made in 1945 on which the present scale of contribution is based; and that the statistics of the first two years working of the scheme may indicate the necessity for some revision of these estimates.

20. In the light of this and other general advice from the Government Actuary we do not feel able to make any exact assessment of the financial effect of the changes we recommend; though we have necessarily related them broadly to the total sum available for distribution as maternity benefits.

The need for a contributory scheme

21. We have received representations that the present lump sum maternity grant should be paid in respect of every confinement, whether or not a contribution test is satisfied, on the grounds that the requirement that a certain number of contributions must have been paid in order to qualify may often operate harshly on the poorer parents. It has even been suggested to us that the maternity benefits should be taken out of the contributory scheme altogether and paid in the same way as the family allowances awarded under the Family Allowances Act, 1945. We recognise that there may be arguments in favour of making the maternity benefits purely social payments, but we do not think that it would be within our terms of reference to recommend such a provision, and while the maternity benefits remain insurance benefits we consider it appropriate that contribution conditions should be attached to these benefits as to others.

Section III. Confinement at Home or in Hospital

The need for a larger benefit for a home confinement

22. We have received many representations that the maternity benefit for a woman confined at home should be larger than that payable to the woman who is confined whilst receiving free hospital treatment under the National Health Service. It has been impressed on us that the expenses of a home confinement are ordinarily substantially larger than those for a hospital confinement; and that therefore the payment of the same benefit in the case of home and hospital confinements has created a widespread sense of injustice. It has also been represented to us that the absence of differentiation in benefit, and the consequent financial advantage, encourages women who could well remain at home to apply to be confined in hospital.

23. Representations have been made to us that this financial incentive is causing an excessive demand for hospital maternity beds which ought to be devoted primarily to maternity cases likely to need hospital attention (for example, abnormal confinements and cases where housing or domestic conditions make home confinements undesirable) or be transferred to other uses.

24. We have been impressed by the arguments set out in the two preceding paragraphs and the unanimity of the opinions expressed. Whilst, for the purpose of this report, we are not concerned with the question whether fewer or more confinements should take place in hospital, we are concerned that, so far as practicable, there should be no financial pressure on a woman either to have her confinement at home or in hospital. Her decision should be taken on other than financial grounds.

25. We are therefore agreed that, in order to make an adjustment to counter-balance the financial inducement to seek a hospital confinement, a larger maternity benefit should be payable to the woman confined at home than to the woman confined in hospital. Having regard to the reason for

differentiation, this adjustment should depend on whether or not the woman confined is receiving "free in-patient treatment" in "a hospital or similar institution", as those phrases are defined in the National Insurance (Hospital In-Patients) Regulations, 1949.

26. In our report on the Hospital In-Patients Regulations, to which we have just referred, we stated that it was right in our view that the benefit of a person in hospital should be reduced, because some of his ordinary needs, including such elements as rent, light, food and clothing, would be met by alternative provisions under the National Health Service. We thought however that, during the first few weeks, additional expenditure incurred by patients, or their dependants, in connection with admission to hospital might well offset any saving in expense on maintenance. We therefore approved the provision in the regulations that certain personal benefits should not be reduced until after eight weeks in hospital. The regulations did not apply to maternity benefit.

27. The circumstances of a woman confined in hospital differ from those of a patient who has to go into hospital because of some illness or to undergo an operation. The period in hospital is usually foreseeable in the case of maternity, and, when it is, the woman has ample opportunity, before she goes into hospital, to make arrangements for the maintenance of the home during her absence. That is not ordinarily so, to the same extent, in the case of illness. In consequence it should, in general, be easier in the event of a confinement than in the event of illness for a woman to make arrangements which will reduce the home expenditure incidental to her going to hospital. Further, the additional expenditure involved by confinement at home rather than in hospital, in regard to equipment and otherwise, is likely to be considerably greater than the additional expenditure involved in remaining at home, rather than going into hospital, in the case of illness.

28. Whatever the explanation, the evidence we have received makes it clear that any additional expense in connection with admission to hospital is, and is recognised to be, more than offset in the great majority of cases by the financial advantages of a hospital confinement. We are satisfied therefore that it is consistent with the views we expressed in our report on the Hospital In-Patients Regulations, as explained in paragraph 26, to recommend a deduction from maternity benefit when a woman is confined in hospital.

The costs of confinement

29. Both in order to relate the benefits at present payable for maternity to the necessary purchases and other expenditure connected with the birth of the child and, more particularly, to assess the relative costs of home and hospital confinements, we have tried to arrive at some approximate estimate of the inevitable expenses of maternity. We have limited ourselves, since the National Health Service has made available a comprehensive medical service, to consideration of the non-medical costs.

30. It has been emphasised in discussions before us that the cost of a layette and other articles needed for the baby varies enormously from case to case. Similarly there is a great variety in the costs specially incurred when confinement takes place at home. As the result of special enquiries made of certain local health authorities, the Ministry of Health have given us an estimate of about £2 10s. for the additional cost of food, fuel, light and extra laundry at home for a period of ten days. Extra equipment, including such articles as sheets, towels and basins, might involve a fairly large further outlay. On the other hand in a well-equipped home this expenditure might be relatively small. The cost of extra help in the home is also a most uncertain

figure—both because the woman confined in hospital normally requires less attendance when she returns home, and for a shorter period, than the woman confined at home, and because some women may have to pay a large sum for a full-time home help while others need only pay for the extra food for a relative or friend.

31. For general guidance we have obtained information about the availability and cost of the home help service provided by local authorities. It is in the discretion of these authorities, subject to the approval of the Minister of Health—in Scotland, the Secretary of State—to decide the extent to which the home help service should be provided, the basis of the service, and the charges. Every local authority in England and Wales has a home help service, and the majority of Scottish local authorities provide home helps despite some difficulties of organisation in the rural areas. We understand that, although local authorities have been given guidance by their own Associations as to the scale of charges to be made for home helps, the practice differs, since local authorities may exercise their own discretion in making assessments. The cost to the mother can be considerable when full-time service is given and the family circumstances warrant a full charge being made. On the other hand a nominal charge or no charge at all may be made to the poorer family.

The adjustment proposed

32. From this evidence we have attempted to arrive at an estimate of a reasonable sum to compensate for the additional cost of the home confinement. With such a variety in the extra costs incurred it is clearly not feasible to fix an "average sum". On the other hand it is less difficult to determine a minimum figure for the extra cost of the home confinement, and we have heard evidence on that basis. A few persons have suggested a figure as low as £2, while others have suggested one very substantially higher, varying between £6 and £10. Taking everything into account we are agreed that £3 is a reasonable minimum figure for the extra cost of a home confinement, and one which it would be appropriate for us to adopt when framing our recommendations.

33. The conclusion to which we have come has raised one difficult issue. The opinion has been expressed to us that, although the woman confined in hospital usually experiences some financial saving, there is often little or no saving on the hospital confinement if the woman has left a child or children at home; since she may need to pay for assistance to look after them during her absence. Others, stating the opposite view, have said that the children at home are frequently looked after without payment during the mother's absence by relatives or friends, and that it is difficult to provide for this sort of contingency by a general rule, since there is a considerable variation in the provision made.

34. Two factors which have influenced us in coming to the conclusion that no exception should be made for the hospital confinement when there is a child or children at home already are, first, the inherent difficulty of making rules to cover widely varying circumstances; and secondly, that to add an intermediate payment between those for the home confinement and the hospital confinement would unduly complicate the scheme. A decisive factor appears to us to be that the sum of £3, as a differential between the costs of the two confinements, is relatively so small as not to justify the insertion of an intermediate figure.

35. We discuss in later paragraphs in what way a differentiation in payment for home and hospital confinement is in fact to be made, and our specific recommendations are included in paragraph 50 below.

Section IV. Review of each benefit

36. We turn now to a review of each of the maternity benefits. We have received a few representations that the present form of the benefits should not be changed, and that no alterations in the amounts are necessary, but the great majority of representations have suggested some change in the existing provisions.

MATERNITY GRANT

37. The present maternity grant of £4 can be, and generally is, claimed and paid before confinement. The contribution test, which is a very easy one, can be satisfied either on the husband's insurance or on that of the woman herself.

Some criticisms of the maternity grant

38. The form of the present maternity grant has been very little criticised. We have had evidence that the grant is very useful and, on the whole, is wisely spent. We are agreed that it should continue to be payable before confinement, but we think that the name might be changed. This grant is intended to assist the mother with the necessary purchases before the child is born. It seems suitable to call it by some name which would signify the period in which it is normally paid. The name "pre-natal grant" or something similar would, we think, serve this purpose.

39. The smallness of the grant has been the subject of considerable criticism in the representations we have received. We believe this criticism to be justified. We recognise that National Insurance benefits, in general, do not fully cover the expenses to which they are designed to contribute, but the disproportion between the relevant expenses and the benefit in the case of the grant in question appears to us exceptionally great. It is in our judgment by far the least adequate, in relation to the contingency for which it was designed, of all the National Insurance benefits. In our view, the grant should be increased at the earliest possible opportunity to an amount substantially in excess of the present sum of £4. We are of the opinion therefore that any money which is available for expenditure on maternity benefits, after our other recommendations have been implemented, should be devoted to raising forthwith the pre-natal grant, and that this grant should receive special attention when the review of all benefits takes place in 1954 (as provided in the National Insurance Act).

Multiple births

40. Under the present provision (Section 14 (5) of the Act—see Appendix 1 (a)) maternity grant is payable in respect of each child born at a confinement. We think that this should continue. Thus when twins have been born an extra pre-natal grant would be paid.

The cost of first and subsequent confinements

41. We have received representations that different amounts should be paid for first and subsequent births. It has been argued before us that, in general, a considerably higher outlay has to be faced in the case of the first child than in the case of further children. On the other hand, it has been represented to us that, as a rule, the family is in a better economic position at the birth of the first child than at later births, when there are other children to support and care for. Both contentions appear to us well-founded; and we consider that there are on balance insufficient grounds to justify making different amounts of benefit payable for first and subsequent births.

42. Accordingly we recommend that:

the present maternity grant should continue, but be called by a name such as "pre-natal grant"; in the case of multiple births, the pre-natal grant should be payable for each child; the amount payable for first and subsequent births should not differ; and in order that the pre-natal grant should be increased above the present rate of £4, any money available for expenditure on maternity benefit, after our other recommendations have been implemented, should be devoted to raising this grant.

ATTENDANCE ALLOWANCE

43. The present attendance allowance of £1 a week is payable on the same contribution conditions as the maternity grant. It was designed, as its name implies, to assist in providing domestic help after childbirth, and for that reason was payable weekly for four weeks.

Some criticisms of the attendance allowance

44. We have received representations that this allowance is not being used as it was intended; it is regarded as a supplement to the general family income and is often not spent on extra domestic help. It can be, and often is, paid as a lump sum at the end of the four weeks if the allowance is not claimed, or the orders are not presented for payment, until then. It has been suggested that it might be better used if paid in a different way, for example, in two instalments paid closer to the confinement, or merged with the present maternity grant as a single sum.

Modification of the present attendance allowance

45. We have considered the arguments for and against linking the maternity grant and attendance allowance. On balance we are of the opinion that the two benefits should remain separate and that one benefit should be allocated to the pre-natal period and the other to the post-natal period.

46. With regard to the way in which this post-natal benefit should be paid, we are agreed that there is not a great demand for a payment in four weekly instalments. The requirements of the mother who is confined at home could, we think, be met by a payment in two instalments, the first to be payable on confinement and the second two weeks after confinement. We think this system should be adopted unless there are grave administrative objections. Receipt of a relatively large sum in a single instalment soon after confinement might result in too much money being spent unnecessarily at an early stage leaving insufficient to cover later expenses.

47. This post-natal payment, the successor to the present attendance allowance, would thus become a grant. We suggest the name "maternity grant" partly because the new benefit will be paid in respect of maternity, rather than for pre-natal expenses, and partly because the grant should be paid to help with post-confinement expenses. We would add that we think it unrealistic and undesirable to regard this new benefit as a payment only, or even mainly, for the purposes of securing attendance. Other substantial expenses have to be met.

Adjustment for hospital confinements

48. As we have explained in Section III of this report, we propose to recommend that a larger maternity benefit should be payable to the woman confined at home than to the woman confined in hospital. The adjustment in benefit necessary to achieve this could more suitably be effected through a maternity grant, payable to all women after confinement, than to either of the other two benefits; and the maternity grant seems to us, therefore, the

appropriate benefit through which to provide for differential payments in respect of home and hospital confinements. If the liability of the National Insurance Fund for maternity benefit is not to be increased, the grant proposed above should be payable to women who now receive the attendance allowance at an average rate of £4. We understand that, at present, about half the women who are confined receive free in-patient treatment in a hospital or similar institution, and thus, to average £4, the grant would have to be payable at the rates of, say, £3 and £5 or £2 and £6 respectively. We concluded earlier that we might reasonably assess the minimum extra cost of a home confinement as being £3, and we therefore think it would be right, if the money available will in any way allow, to increase the maternity grant for the home confinement from the present total sum of £4 (attendance allowance of £1 a week for four weeks) to £6; and that the maternity grant for the hospital confinement should be a sum of £3. The grant would thus be paid at an average rate of £4 10s. per confinement. In our view the two amounts £6 and £3 would do justice respectively to the claims of the woman confined at home and the woman confined in hospital. The sum of £6 for a home confinement should, if administratively practicable (as we have stated in paragraph 46), be paid in two instalments, £3 on confinement and £3 a fortnight after confinement, while for the hospital confinement the sum of £3 should be paid a fortnight after confinement.

Payment of new maternity grant in addition to maternity allowance

49. The present attendance allowance is not payable in addition to maternity allowance. We do not think a corresponding provision should be made in relation to the new maternity grant. If the maternity grant is made payable to women in receipt of maternity allowance, it will become possible to make the above adjustment as between home and hospital confinement in their case as in others. We therefore propose (see also paragraph 54) that the maternity grant should be payable in all cases where there is title to maternity allowance; and we have taken this into account in framing our recommendations on the maternity allowance (see paragraph 71 below).

50. We therefore recommend that:

the present weekly attendance allowance should be replaced by a new maternity grant; this grant should be payable in addition to maternity allowance. The sum payable should be £6 when the confinement is at home (to be paid in two instalments, £3 on confinement and the balance of £3 a fortnight after confinement), and £3 when the confinement is in hospital (to be paid a fortnight after confinement).

QUALIFYING CONDITIONS FOR THE PRE-NATAL GRANT AND MATERNITY GRANT

51. The contribution tests for the present attendance allowance and maternity grant are provided for in the Third Schedule to the Act (see Appendix 1 (b)). They are intended to make those benefits available to women generally, whether they are themselves insured or not. For this reason the tests can be satisfied either on the woman's own insurance or on that of her husband; and they require only that the person on whose insurance the benefits are claimed shall have paid 26 contributions since becoming insured and shall have paid, or have been credited with, 26 contributions in the last complete contribution year before the confinement. We have received no representations about these conditions. Since they were intentionally made easy there are good reasons for applying them as they stand to the pre-natal grant and the new maternity grant. We have however considered two possible changes and have agreed to recommend one of them.

52. We have considered, first, whether payment of these grants at the full rate should be dependent on a full contribution record, with reduced grants where the contribution record is defective. It might seem justifiable, on merits and having regard to the general principle of the insurance scheme, to make it a condition that where a claimant (or her husband) has only 26 contributions paid or credited in a contribution year she should not be entitled to as much benefit as those with a full record.

53. In a universal insurance scheme, the present conditions are generous. We do not consider however that it would be right to make them less generous. To scale down the benefits for a deficient record would probably penalise those most in need, and thus run contrary to the aim of making these benefits available to women generally. We do not therefore recommend any change in this respect.

54. The other change which we considered is concerned with the qualifying period for the maternity grants. We are agreed that where the grants only are payable, the test of 26 contributions paid or credited should be related to the contribution year preceding the benefit year in which the confinement occurs, instead of to the contribution year before the date of confinement, as at present. The former is the qualifying period for both sickness benefit and unemployment benefit, and to have different qualifying periods for the maternity grants and for sickness and unemployment benefit seems to us unnecessarily complicated for insured persons and administratively inconvenient. We have, however, in our consideration of the maternity allowance, reached our conclusions on the assumption that, in accordance with the recommendation in paragraph 49, every woman entitled to maternity allowance will, in addition, be entitled to a maternity grant averaging £4 10s. We therefore do not think that a woman who satisfies the contribution conditions for maternity allowance should be required to satisfy a further test for maternity grant, and one related to a period which is different from that for the maternity allowance. We think that the grant should be payable, without further contribution conditions, to any woman who is entitled to maternity allowance, whether at a full or a reduced rate. For the convenience of the women concerned and in order to simplify administration, we think that this provision should be extended to cover also the pre-natal grant.

55. We therefore recommend that:

when a woman is entitled to maternity allowance, the pre-natal grants and the maternity grant should be payable without further contribution conditions. In all other cases, the qualifying conditions for the grants should require that either the husband or the woman should have paid 26 contributions since becoming insured; and that 26 contributions should have been paid or credited in the last complete contribution year before the benefit year in which the confinement occurs or, where appropriate, is expected.

MATERNITY ALLOWANCE

56. The maternity allowance has been the subject of considerable criticism and we have therefore felt bound to consider not only whether the conditions on which, and the rate at which, the maternity allowance is awarded are satisfactory but also how great is the need for such an allowance, and whether the money available for this benefit would be more usefully spent in some other way (for example, in increasing the pre-natal grant).

57. The maternity allowance of 36s. a week, payable for a period of thirteen weeks, is, as we have noted, based on the recommendation of the Beveridge Report that gainfully occupied women should have a maternity benefit higher

than the standard rate of benefit on condition of giving up "for the time" their gainful occupation. The evidence we have received, and the representations made to us, have led us to doubt whether the payment of an allowance on the conditions envisaged in that Report is the best way of distributing the money available.

Criticisms of the maternity allowance

58. It has been represented to us that the payment of the present maternity allowance to women in employment is unnecessary, and is indeed inequitable to the woman who works at home, and that the money spent on the allowance would be spent to better effect if it were distributed among all women to assist with the expenses of confinement. Other representations have said that the allowance is now being paid to many women for whom it was not designed; that is, to women who cease work, either permanently or at any rate for a considerable period, often a matter of years, after the birth. Such women, it is argued, do not need a payment to encourage them to stay away from work after confinement, and may not need any financial incentive to give up work in good time before the confinement. Even where women do in fact cease work only for the period shortly before and after confinement, it is often doubtful whether they need financial encouragement to do so.

59. On the other hand, though we have received few representations suggesting that the maternity allowance in its present form is wholly satisfactory, we have received several which state that some form of weekly benefit is a most necessary and useful part of the insurance provisions for maternity. To abolish the allowance would admittedly prevent women who do not need it from receiving it; but it would also gravely penalise those women for whom it was expressly designed. Even if the allowance in its present form is not financially necessary to encourage women to refrain from work, a weekly benefit payable only if the woman has given up her work may have a substantial psychological influence in this direction; and certainly assists the woman who normally works for gain to have the rest she needs before and after confinement. This last argument is particularly important if the woman is compelled to work by economic necessity, for example, the woman who is unmarried, widowed or separated from her husband, or who has an invalid husband.

60. To assist us in our consideration of this difficult problem, we have heard evidence from a number of organisations closely concerned with the employment of women, and have taken into consideration the results of certain independent enquiries and of enquiries made by the Ministry in 1949 and 1950 into the employment history of a number of women who had received maternity allowance. These cast considerable light on the time at which women give up paid work before confinement and on how far and when they resume paid work after confinement.

Giving up paid work before confinement

61. The independent evidence we have received indicates that relatively few pregnant women work outside their homes after the sixth month (twenty-sixth week) of pregnancy, and that many prefer to cease gainful employment in about the fifth month. Some are unable to follow their normal occupation after, say, three or four months of pregnancy, owing to the nature of that occupation. We have also obtained some general information about the maternity leave given by large employers, from which it appears that the majority of employers have no set rules, but leave it to the woman to decide, in accordance with her individual circumstances or those of her employment, when to give up work. For firms and public authorities which have rules,

work usually ceases compulsorily at about the sixth, or sometimes the seventh, month of pregnancy, unless the woman wishes to give up work earlier.

62. It is clear that no hard and fast rules can be laid down as to the time during pregnancy when women ought to give up gainful employment. The medical view is, we understand, that before a woman is advised when to stop work several factors must be taken into account, including her individual circumstances, her health, mental and physical, the type of work she does and such matters as travelling conditions to and from her work. The evidence which we have received suggests, however, that the women concerned now pay greater attention than in the past to pre-natal care, and are more ready to give up work when advised to do so.

63. It is interesting to compare this evidence, which appears to indicate a tendency to stop work at the end of the sixth month of pregnancy, with the results of the Ministry's enquiries in 1949-1950 about women who had claimed maternity allowance. An analysis of between 7,000 and 8,000 maternity allowance claims showed that 69 per cent. of the claimants were still at work in the twenty-sixth week of pregnancy; 59 per cent. were still at work in the twenty-eighth week, 42 per cent. in the thirtieth week and 12 per cent. in the thirty-fourth week. It seems fair to us to assume that the reason for the difference between the results of these enquiries, and those referred to above, is that a relatively large proportion of the women included in the Ministry's special survey, who were still at work six weeks before confinement, had remained at work in order to satisfy the qualifying conditions for the maternity allowance. We have indeed received considerable criticism of these qualifying conditions, which we discuss later.

Resumption of paid work after confinement

64. The enquiries which have been made confirm the evidence we have received from witnesses before us that many women who are employed during pregnancy do not return to gainful employment after confinement; the special enquiries made by the Ministry, for example, suggest that not more than one-third of the women who receive maternity allowance do in fact return to work. Out of 2,300 recipients of maternity allowance who were interviewed from two to eight months after confinement, only one-quarter had gone back to work or had registered for employment; two-fifths had no intention of doing so; and the rest either spoke of going back later or had not made up their minds. Some independent enquiries addressed by the Ministry of Labour and National Service to large employers have elicited the information that most of the women they employ do not return to work after confinement. The general impression we have received is that although, in some areas, it is customary for women to return to paid work soon after the birth of the child, in most areas women do not resume work until at least three months afterwards; and not infrequently a year or eighteen months passes before they go back, if, indeed, they return to work at all.

65. We may refer here to some comments relevant to this particular problem which were made by the (then) Government Actuary in a memorandum, published in 1921, on the proposals of the Maternity Protection Convention; they apply equally to the proposal made in the Beveridge Report:—

"The difficulty of determining whether or not a particular woman, who leaves her work some time before her confinement, has definitely given up her status as a wage earner has apparently been overlooked by the framers of the Convention. It goes, however, to the root of the matter. Presumably the scheme is intended to secure benefits only

to women who are normally wage earners and to recompense such women for the definite pecuniary loss incurred by their being withdrawn temporarily from their employment by reason of their pregnancy and confinement. But whether a particular married woman will or will not return to work after her forthcoming confinement it is impossible to determine, and, indeed, in many cases unreasonable to ask."

The need for an allowance

66. Considering the evidence we have received, and weighing up the arguments for and against the existing maternity allowance, we have reached the conclusion that there is a real need in many cases for a weekly benefit to assist the woman in a gainful occupation to give up her work for a sufficient period before and after confinement. It does not appear, however, that the existing provisions under which the maternity allowance is awarded are working satisfactorily, and we can find no evidence that a specially high rate of benefit is necessary to induce women to abstain from work at the appropriate time before confinement.

The conditions for the maternity allowance

67. The maternity allowance is, we believe, designed primarily for the working woman who will return to work a comparatively short time after her confinement and who needs an insurance benefit to assist her in view of her loss of earnings during her absence from employment. If, in ensuring that the allowance is payable to these women, it is found that the allowance is also paid to other women for whom it was not designed—because they do not intend to return to work at the end of the allowance period—that is an inevitable result of making title to benefit depend on the insurance position of the woman at the beginning of the period for which the benefit is payable. We do not consider there is any escape from this dilemma, which is clearly stated in the extract quoted in paragraph 65 above, but we believe that the existing conditions for the allowance could be modified to secure that the group of women who would be eligible for the allowance would be limited more closely to the type of case for which the allowance was primarily designed.

68. The modification we propose concerns the present non-contributory basis of the allowance. The National Insurance scheme allows married women in employment to choose whether or not to pay contributions, and if a woman chooses not to contribute she cannot qualify for unemployment and sickness benefit. The same does not, however, apply to the maternity allowance: for this there is not a contribution test proper but rather a test of weeks of work during the immediate past. By means of special credits for weeks of work (see paragraph 78) a married woman who has chosen not to contribute can therefore qualify for maternity allowance. We consider that the provision of these special credits should not be continued. In the first place, we can see no ground on which a woman who has chosen not to pay contributions should be entitled to a weekly insurance benefit, the cost of which is largely met by the contributions paid by other women (see paragraph 70). Secondly, we think that if maternity allowance were available only to women who had chosen to pay contributions, this would help to secure that the allowance was restricted to those women for whom it was primarily designed. The unmarried mother is at present liable to pay contributions, and in our opinion the married woman who genuinely depends on her earnings will almost certainly have chosen to do so in order to be entitled to benefit during periods of sickness or unemployment. We believe therefore that in general we shall not deprive of maternity allowance women

to whom the allowance is important by making it depend on the actual payment of contributions (and normal credits for sickness and unemployment), instead of on the special credits referred to above. There is indeed one class of married women of whom this is not true; namely, those who need the benefits in question but who cannot afford to pay contributions. The need, in such cases, for sickness and unemployment benefit is, however, at least as great as the need for maternity allowance; and we can see no real justification for differentiating between the three benefits, by making maternity allowance independent of contributions when the other two require these. Further, we consider that here as elsewhere the statutory provisions should be framed so as to secure what appears best having regard to the normal case rather than having regard to a relatively small exceptional class.

The redistribution of the "money available" for maternity benefits

69. We understand from the Government Actuary that to put maternity allowance on a contributory basis in this way is likely to result in a substantial gain to the Fund, which could be used to improve the existing maternity benefits without adding to the present cost of these benefits. It is difficult to estimate the amount with any degree of certainty, since the effect of the proposed change on the future options of married women cannot be exactly forecast; but we understand that in so far as it can be estimated, the sum gained might approach £900,000 per annum. In view of the need to increase the other maternity benefits we regard this as a further argument in favour of our proposal to make maternity allowance depend on payment of contributions. We therefore now proceed to consider how this sum should be redistributed. In doing so we have thought it right to have regard not only to the benefits which we consider most in need of improvement, but also to the source of the contributions from which maternity allowance is at present financed.

70. The Government Actuary, in his Report on the National Insurance Bill, 1946, stated that the cost of maternity allowance had been placed on the contributions of employed and self-employed women. The maternity allowances now payable to women who have chosen not to pay contributions are thus financed to a considerable extent from the contributions of other women who were insured before, and perhaps after, marriage, but who do not continue in employment long enough after marriage to qualify for maternity allowance. Such women should, it seems to us, receive a larger potential return on these contributions than they do at present, and we consider therefore that there is good ground for spending some of the money saved on maternity allowance in improving the maternity benefits available to the married women who do not qualify for the allowance.

71. We have recommended earlier (paragraph 50) that a post-natal grant averaging £4 10s. should be made available to all women, instead of the present payment, as attendance allowance, of £4 in all, to women who do not receive maternity allowance. For the reasons stated above, we think that the extra 10s. for women who do not receive maternity allowance should be found from the saving resulting from the withdrawal of maternity allowance from married women who are not contributing to the scheme. It is estimated that to increase the post-natal grant in this way for women not entitled to maternity allowance would absorb something under half the money saved, while to pay this post-natal grant of £4 10s. also to women who are entitled to maternity allowance (as recommended in paragraph 49) without reducing their present receipts for maternity allowance, would absorb the bulk of the remainder.

A modified maternity allowance

72. Our proposal to put the maternity allowance on a contributory basis would therefore enable the recommendations made earlier in this report to be implemented, without increasing the liabilities of the National Insurance Fund in respect of maternity, even if no reduction is made in the total sum (£23 8s.) paid as maternity allowance to a recipient of that allowance. Our earlier recommendations involve such a recipient receiving an average of £4 10s. as post-natal grant, whereas she cannot under existing regulations receive the present post-natal payment (attendance allowance) of £4 in all. We have therefore considered whether the total sum paid as maternity allowance ought to be reduced so as to set off in whole or part the further benefit to which a recipient of maternity allowance would be entitled. We recommend that there should be no such reduction. We do so on the broad ground that we do not think it desirable to reduce the amount of an allowance, even if recipients are made eligible for a further benefit, when that allowance is being placed for the first time on a contributory basis.

73. We are not, however, satisfied that the form in which the maternity allowance is at present paid is the right one. In view of the representations we have received, and the evidence to which we have already referred, that many women leave work well before the thirteen-week period starts, we believe that the allowance should be awarded for a substantially longer period than at present. We recognise that the present period of thirteen weeks is the one adopted in some other countries for similar maternity benefits and is in accordance with the principles of the Maternity Protection Convention. Nevertheless we think, and the medical evidence we have received supports us, that the present period of thirteen weeks is too short; for while there are a number of women who can, without detriment to their health, continue to work until late in their pregnancy, there are probably many more who are obliged to give up work, or would benefit greatly if they were able to give up work, three months or so before confinement.

74. As we have already indicated, we are not convinced that there is any case for the payment of the maternity allowance at a specially high rate, or indeed at any rate above the standard rate for National Insurance benefit of 26s.; and in view of the advantages of making the allowance payable for longer than thirteen weeks we consider that there is a very strong case for a reduction in the rate of the allowance, payment at a lower rate being so compensated by payment for a longer period, as to secure that the total amount payable by way of the allowance remains the same. After consideration of all the relevant factors, we have reached the conclusion that the best way of distributing the money available is to pay the same total sum by way of the allowance as before (i.e., £23 8s.) but to pay it at the rate of 26s. a week for a period of eighteen weeks. We think that, as before, this period should end six weeks after the week of confinement, and we recommend therefore that the allowance should be paid from the eleventh week before the expected week of confinement.

75. There is a further point to consider in this connection. At present, in accordance with proviso (b) to Section 15 (2) of the Act (see Appendix 1 (a)), if the confinement is delayed, the period is extended so that the woman still receives maternity allowance for six weeks after the date of confinement. Thus the allowance is paid for well over the thirteen weeks in some cases. In our opinion this particular proviso should be carried forward; to withdraw it would cause hardship where the confinement occurs later than expected.

76. Finally we must refer to a representation which we have received, that women should have the option of receiving the maternity allowance at the present rate for thirteen weeks or of receiving the same total sum at a reduced rate for eighteen weeks. We have considered this proposal but in our view any option of this kind would be both unwise and unjust. The purpose of this special weekly benefit is to encourage women to give up work for a sufficient length of time before confinement is expected. If women were given an option of the kind proposed, a certain number might well choose to receive the higher benefit for the shorter period and endeavour to cover the period before benefit commenced by continuing at work. Further, although some women can continue at work without injury to their health until shortly before confinement, this is no justification for giving them benefit, for the shorter period during which they are not at work, at a higher rate than the woman who has to cease work early.

77. Accordingly we recommend that:

a benefit known as maternity allowance should continue to be payable; the rate of benefit should be 26s. a week and the period of entitlement should be extended so as normally to be for eighteen weeks, covering eleven weeks before the expected week of confinement, the week of confinement, and six weeks after confinement.

The qualifying conditions for maternity allowance and the period over which they are applied

78. The present qualifying conditions for maternity allowance, laid down in the Third Schedule to the Act (see Appendix 1 (b)), were designed to confer the allowance upon the mother who is a regular worker and for whom confinement is a temporary interruption of employment, as distinct from the mother whose main occupation is the care of her home and family. The present conditions are that during the 52 weeks ending with the sixth week before confinement is expected, 45 contributions shall have been paid by the claimant for weeks of work, or credited for weeks of unemployment or sickness; and that of those 45, 26 shall be contributions for weeks of work, including self-employment. Because married women may exercise an option not to pay contributions for weeks of work, women who have so opted are given (under Regulation 9 of the Married Women Regulations) special credits, valid for maternity allowance only, for each week of work within the contribution period, and also for weeks of unemployment or sickness. The present test for maternity allowance is therefore (as has already been said) not a contributory test in the ordinary sense, but a test of work done in the immediate past, which includes a very substantial part of the period of pregnancy.

79. We have already proposed (see paragraph 68) that a test of contributions actually paid should be substituted for a test of weeks of work accompanied by special credits where necessary for the women who have chosen not to pay contributions. We consider now what further changes in the qualifying conditions are appropriate.

80. At the present time the qualifying conditions must be satisfied in the 52 weeks preceding the sixth week before the confinement is expected. We have received several representations to the effect that these conditions are not satisfactory, and we have noted the statement made by the Government Actuary in paragraph 28 of his First Interim Report on the Act that the proportion of confinements for which maternity allowance, rather than attendance allowance, was paid, was considerably lower in the period under review (5th July, 1948, to 31st March, 1950) than had been allowed for; and that this

was probably due to "the effectiveness of the more stringent contribution conditions in limiting qualifications for the larger benefit". We have also been told that some expectant mothers who are regular workers have failed to satisfy the qualifying conditions because they have had to give up work early in their pregnancy on account of the nature of their employment, and that others sometimes prolong their employment at the expense of their health, solely in order to be able to satisfy the conditions, or qualify only by sickness credits in the very last weeks of the qualifying period. Evidence we have received suggests that women in the lighter occupations, such as clerical workers, shop assistants and domestic workers, find it easier to satisfy the qualifying conditions than those in heavier occupations, and this is probably because the testing period ends so near to the confinement.

81. There seems therefore a clear case for ending the testing period earlier in the pregnancy, in order to avoid any danger of compelling women to remain in employment to the detriment of their health in order to qualify for the allowance. On the other hand, the period should not end so early as to enable the contribution test to be satisfied by women who cease regular employment a long time before confinement. In view of our recommendation that the allowance should become payable in the eleventh week before the expected week of confinement, it is in any case necessary for the testing period to end at the latest at that week. We have noted however that whilst the time at which women give up work varies with individual circumstances, a large number of women cease work at about the sixth month of pregnancy. We consider therefore that, both in the interests of the woman herself, and of administrative convenience, it would be preferable for the testing period to end three months before confinement, running up to the thirteenth week before confinement is expected, instead of the sixth week, as at present.

The contribution conditions proposed

82. We have already noted that the severity of the present contribution conditions for the maternity allowance has been criticised, and that a proportion of women in regular work have failed to obtain the allowance because they cannot cover a total of 45 out of 52 weeks by employment or credits for weeks of unemployment or sickness. It seems to us that there must be some hardship so long as the whole maternity allowance may be lost by the deficiency of a single contribution or credit, and that provision should therefore be made for a reduced allowance for a deficient contribution record. We think that, as for the other weekly benefits under the National Insurance scheme, there should be a scale of reduced benefits for those who have a record of less than 45 in the testing period of 52 weeks. This provision would greatly benefit those women who, by reason of their condition, are unable to remain in regular employment throughout the period in which the qualifying conditions must be satisfied. We consider however that the requirement to have at least 26 weeks covered by contributions for weeks of employment or self-employment should remain at all stages of the scale.

83. Such a scale of reduced benefits would no doubt be fixed in relation to the scales already adopted for other benefits under the National Insurance scheme. We make no detailed recommendations as to the scale, but suggest that the maximum maternity allowance of 26s. should require a record of 45 contributions or over, and that a minimum record of 26 contributions should provide half benefit. To provide these scaled down allowances will no doubt cost money; while it is not possible to estimate exactly the amount involved, we understand that it is unlikely to exceed the balance of the money available after our other recommendations have been implemented.

84. We therefore recommend that:

the qualifying period for maternity allowance should be a period of 52 weeks ending at the thirteenth week before the expected week of confinement; the conditions should be that, during this 52 weeks period, 45 contributions in Class 1 or Class 2 should have been paid or credited for weeks of unemployment or sickness, and that, of the 45 contributions, at least 26 should be actual paid contributions; and there should be a scale of reduced benefits for those who have a record of less than 45, but have at least 26 weeks covered by actual contributions in Class 1 or Class 2.

Claims by women who are in part-time employment or are self-employed

85. Before leaving the subject of maternity allowance we should mention a further matter to which our attention has been drawn. It is quite possible that some women many qualify for maternity allowance by employment or self-employment which falls short of full-time employment. We understand that the Ministry have at present no evidence on this point, but it seems to us that there is here a substantial risk of abuse of the National Insurance Fund. The danger does not arise only in regard to maternity allowance, although there the risk may be greater. The problem is a general one on which we commented, in relation to unemployment and sickness benefit, in paragraph 36 of our report on the National Insurance (Classification) Regulations, 1948; we then stated:—

“We believe that there may be dangers in admitting to insurance in Class 1 or Class 2 persons whose ordinary earnings are less than, or approximate to, the rate of unemployment or sickness benefit to which such insurance might entitle them. Further, these dangers would be greatest where the employment of such persons is irregular, and the employment is not the principal means of livelihood.”

We hope that the Ministry will keep this matter under close review.

Section V. Matters common to all Maternity Benefits

SICKNESS OR UNEMPLOYMENT BENEFIT DURING PREGNANCY AND FOLLOWING CONFINEMENT

86. As we have indicated in paragraph 15, it is provided under the National Insurance (Overlapping Benefits) Regulations, 1948, that neither sickness nor unemployment benefit shall be payable at the same time as maternity allowance or attendance allowance, but either may be drawn instead, if of greater amount. We consider now to what extent these provisions should be applied to the maternity benefits we are recommending.

Sickness or unemployment benefit and maternity allowance

87. Taking first the question of sickness or unemployment benefit in relation to maternity allowance, we are of the opinion that the existing provisions should continue. In our report on the Overlapping Benefits Regulations, we stated the principle that double provision should not be made under the public social services for the same contingency. Sickness benefit (or unemployment benefit) and maternity allowance are benefits payable as contributions towards maintenance when a woman is precluded from earning her living. We think therefore it is right that, as at present, sickness or unemployment benefit should not be payable at the same time as maternity allowance, but that only the benefit payable at the higher rate should be paid.

Increase of benefit for a dependant

88. Under the existing provisions, a woman entitled to maternity allowance who can also satisfy the conditions for sickness or unemployment benefit, and has a dependant for whom an increase of benefit would be payable, may receive both the maternity allowance and an increase of sickness or unemployment benefit for the dependant. It appears to us that this provision, whereby her title to dependency benefit is determined independently of her title to maternity allowance, is unnecessarily clumsy and inconvenient, and could be avoided with advantage to both the woman and the Ministry. We think that where a woman can, under the existing provisions, be regarded as having a dependant, the dependency benefit should be paid as an increase of maternity allowance, regardless of whether or not she satisfies the contribution conditions for sickness or unemployment benefit.

Sickness or unemployment benefit for the four weeks after confinement

89. Our conclusion in paragraph 87 above leads us to the further question whether sickness or unemployment benefit should be payable for the period of four weeks after confinement to a woman, not qualified for maternity allowance, who qualifies for the new maternity grant. A case can obviously be made for paying sickness benefit, where the conditions are satisfied, for these four weeks. Since however sickness benefit is not payable at present when attendance allowance is in payment, to make it payable in addition to the new maternity grant would, we are advised, considerably reduce the money available for the proposed pre-natal grant. Having regard to the importance we attach to the latter, we are agreed that the existing restriction should continue to apply in relation to the new maternity grant.

90. Accordingly we recommend that:

sickness or unemployment benefit should not be payable at the same time as maternity allowance, but the benefit at the higher rate should be payable; where under present conditions a woman would be regarded as having a dependant, dependency benefit should be payable as an increase of maternity allowance; and where a woman is entitled to a maternity "post-natal" grant, sickness or unemployment benefit should not be payable for the four weeks following confinement.

TIME LIMITS FOR CLAIMING MATERNITY BENEFIT

The general question of time limits

91. We are at present undertaking, as a separate question, a general review of the time limits for claiming all benefits under the insurance scheme, and of the provisions for extinguishment of right to benefit not obtained within the prescribed time. Our report on this general question will cover the whole field of time limits and the principles underlying those limits.

92. We have however been specially requested, as part of our review of the maternity benefit provisions, to consider and advise on the question of the time limits relating to maternity benefits, either in their present form, or, if we recommend any change in those benefits, in the form recommended.

93. We therefore now discuss the particular time limits for claiming the present maternity benefits and their application if the benefits are modified in accordance with our recommendations. If, in the light of our general review of time limits, it should become necessary in our opinion to recommend further modifications in relation to the maternity benefits, we shall make recommendations accordingly when we report on the general question of the time limits for claiming all benefits.

The present time limits for maternity benefit

94. The periods allowed for making a claim for the present maternity benefits differ for each benefit. The limits are laid down in Regulations 11 and 15A of the National Insurance (Claims and Payments) Regulations, 1948, as amended, an extract from which is quoted in Appendix 1 (c), together with Regulations 2 and 3 of the Maternity Benefit Regulations, 1948. The limits are as follows:—

- (a) Maternity grant: claims may be made at any time from the eleventh week before the expected week of confinement until three months after confinement. The grant may be paid before confinement.
- (b) Attendance allowance: claims may be made at any time from the eleventh week before the expected week of confinement until twenty-eight days after the date of confinement. If the claim is made before confinement, the claim must be supported by a certificate of confinement submitted within twenty-eight days after confinement. Payment is not made until after confinement. A claimant who fails to make a claim, or to submit a certificate of confinement within the prescribed time, is disqualified for receiving payment in respect of any period more than twenty-eight days before the date of claim or before the date of the receipt of a certificate of confinement, whichever is the later.
- (c) Maternity allowance: claims may be made at any time from the eleventh week before the expected week of confinement. Where a claim is made less than six weeks before the expected week of confinement, there may be disqualification for receiving benefit in respect of any period before the date of claim. A claimant must notify her confinement within twenty-eight days of that event. If she fails to do this she may be disqualified for receiving benefit. The number of days of disqualification is for determination by the statutory authorities.

Extension of time limits where good cause is shown for the delay

95. In accordance with general rules laid down in the Claims and Payments Regulations, 1948, the time limits for claiming these benefits, or for notifying confinement, can be extended up to the date on which the claim is made, or confinement notified, where the statutory authorities are satisfied that there was continuous good cause for lateness throughout the period of delay. No benefit is payable in respect of any period during which the woman is working. No payment of either maternity allowance or attendance allowance can be made for any period more than six months before the date on which the claim is made; and no maternity grant is payable if the confinement occurs more than six months before the date of claim.

96. The extension of the normal time limits when there is continuous good cause for the delay in claiming, the six months limitation referred to in the previous paragraph, and the extinguishment of right to benefit not obtained within the prescribed time, are provisions common to all the benefits of the National Insurance Scheme, and we shall therefore discuss them in our report on the time limits for all benefits, and do no more than mention them here in relation to maternity benefit.

Representations on the maternity benefit time limits

97. We have received some representations that the present time limits are adequate and should not be extended. It has also been argued that, since the procedure is now well known, to alter the time limits would lead to confusion. In view, however, of the changes in the form of the maternity benefits which

we have recommended, some changes in the time limits are inevitable, and we now consider what these should be. Two main changes have also been advocated in representations; one of these concerns the date at which the present maternity grant may be paid, and the other the period within which the maternity benefits must be claimed.

Date at which the pre-natal grant should be payable

98. First we consider criticisms which have been made of the provisions under which the present maternity grant may be paid as early as eleven weeks before confinement. It has been suggested that although the woman who wishes to make a layette for the baby may find so early a payment an advantage, one who is not so prudent may spend the money on other things and have no money available when the confinement takes place, and that the grant should, therefore, be paid not earlier than five or six weeks, or even four weeks, before confinement. Such a restriction would, we believe, remove a temptation from some women and cause little hardship to others. Indeed, in our consideration of the National Insurance (Maternity Benefit) Regulations, 1948, we discussed this particular problem and reached a conclusion very similar to that reached in the representations we have received. In paragraph 6 of our report on those regulations we said: "We are convinced that there is a real danger in some cases, perhaps those where the grant is most needed, that payment too long before confinement might result in the money being used for purposes for which it was not intended." Later, when we reported on the Claims and Payments Amendment Regulations, 1949, we expressed our opinion (in paragraph 5 of that report) that, while we regarded it as reasonable that a claim for maternity grant could be made eleven weeks before confinement, we felt some concern at the possibility of maternity grant being paid nearly eleven weeks before confinement is expected. We therefore recommended that the grant should not be payable more than seven weeks before the expected week of confinement. In the circumstances then prevailing the Minister decided to defer consideration of this recommendation, in order to see how those amending regulations (which extended the period before confinement, in which a claim to maternity grant could be made, from seven to eleven weeks) would work in practice.

99. We have considered this point again in the light of the further representations made to us that, if the grant is paid too early, the risk of the money being spent unwisely is substantially increased. Some witnesses have suggested to us that eight weeks before the expected week of confinement would be soon enough. This period would ordinarily allow the mother sufficient time to buy the necessary equipment and make the layette. We agree with this view, and therefore re-affirm our earlier opinion that the pre-natal grant should not be payable more than about eight weeks before the expected week of confinement. We consider below (paragraph 103) in what way this may most conveniently be achieved.

Period within which maternity benefit must be claimed

100. Secondly it has been represented to us that the period of twenty-eight days after confinement within which the attendance allowance must be claimed is sometimes too short. This is particularly so in the case of a first confinement, and when there is sickness or there are other complications. Any anxiety in the household makes it easy to overlook the need to submit an early claim. It has been suggested that the three months limit for the present maternity grant would be fairer. The original time limit of ten days for attendance allowance was extended to twenty-eight days under the National Insurance (Claims and Payments) Amendment Regulations, 1949. Whilst we maintain the opinion expressed in our earlier reports that the time-limits for

claims to maternity benefit should be short enough to encourage women to use the money for the purpose for which it is intended, we are satisfied that there are no cogent arguments for making the time limits for the new "maternity grant" (replacing the present attendance allowance) different from the time limit of three months for the present maternity grant (the new "pre-natal grant"). Indeed, a common time limit would be a simplification. We recommend a time limit of three months after the date of confinement, within which claims for both the new pre-natal grant and the new maternity grant must be made.

101. We have received no evidence which would lead us to recommend any change in the provision which prevents a woman from receiving maternity allowance for any week prior to the date of her claim or for any week in which she works. This provision seems to be both satisfactory and, indeed, essential.

Earliest date for submitting claims

102. We turn now to the period before confinement within which the present maternity benefits may be claimed. At present all three benefits can be claimed at any time within the last eleven weeks before the expected week of confinement. In view of our earlier recommendations this provision cannot remain unchanged. As a result of our recommendation (in paragraph 77) that maternity allowance should be payable from the eleventh week (instead of the sixth week) before the expected week of confinement, it will be necessary to allow claims to the allowance to be submitted earlier than at present. We consider that a period of three weeks between the earliest dates for claiming and the first week's payment of the allowance should ordinarily allow ample time for the woman concerned to claim the allowance, and therefore that claims to the allowance should be accepted at any time after the beginning of the fourteenth week before the expected week of confinement (instead of after the eleventh week as at present).

103. We do not think a similar provision should be made for claims to the pre-natal and maternity grants. In the first place, it is, in our opinion, undesirable that claims to a benefit designed to assist with the expenses of confinement should be made so long as fourteen weeks before the expected week of confinement. Secondly, the most convenient way, both for the woman concerned and the Ministry, to implement our recommendation above that the pre-natal grant should become payable about the eighth week before confinement, would, we understand, be to provide that the grant could not be claimed until the ninth week before confinement. The grant would then become payable immediately. Moreover the main reason why the time limit for claiming the present maternity grant was in 1949 extended from seven to eleven weeks before the expected week of confinement was to preserve a single time limit for claiming all three maternity benefits. If the time limit for claiming maternity allowance is to be as early as fourteen weeks before confinement, this is clearly far too early for claims to the grants to be accepted; and we think that no hardship would result if the time limit for claiming the grants were reduced to the ninth week before the confinement. We are informed by the Ministry that they consider it will be possible to devise a simple procedure to enable the woman who claims maternity allowance fourteen weeks before her confinement to claim the grants, to which she will normally be entitled, at the appropriate time.

104. We therefore recommend that:

claims to maternity allowance should be accepted at any time from the fourteenth week before the expected week of confinement, but there should be no change in the provision that the allowance

should not be payable in respect of any week prior to the date of claim; claims to the pre-natal and maternity grants should be accepted at any time between the ninth week before the expected week of confinement and three months after the date of confinement; and the rules governing time limits on matters common to all benefits should continue to apply.

MATERNITY BENEFIT FOR CONFINEMENT ABROAD

105. We have received a representation that wives of members of the Control Commission in Germany should be entitled to maternity benefit irrespective of their domicile at the time of the confinement.

Existing provisions

106. Under Sections 14 and 29 of the National Insurance Act a person is disqualified for receiving maternity benefit whilst abroad unless regulations remove the disqualification. Regulations have been made which provide (under Regulation 8 of the National Insurance (Residence and Persons Abroad) Regulations, 1948) that, where a woman is "ordinarily resident in Great Britain" at the time of her confinement, she shall not be debarred from receiving maternity grant or attendance allowance to which she would have been entitled but for her absence from Great Britain. For maternity allowance the provisions are similar to those for sickness benefit (Regulation 7) in that, except where the woman is temporarily absent in the Isle of Man or the Channel Islands, or is temporarily abroad for the specific purpose of treatment, she shall be disqualified for receiving the allowance.

Maternity allowance abroad

107. We are satisfied that the existing provision for the maternity allowance is the right one, and we think that it should continue to be applied to the modified maternity allowance.

Maternity grant and attendance allowance abroad

108. We regard however the existing provisions for the maternity grant and attendance allowance as unsatisfactory. We have noted that the test of "ordinary residence in Great Britain" has proved, in its interpretation, more restrictive than was expected. We therefore give further consideration to these provisions, as they would apply to the new pre-natal and maternity grants.

109. Under the National Insurance (Members of the Forces) Regulations, 1949, a woman who is, or is the wife of, a member of the Forces, and is confined outside Great Britain, is entitled to maternity grant and attendance allowance although she is abroad. We understand that, in general, the Ministry have experienced no difficulty in administering this provision. In our judgment there is little justification for distinguishing in this respect between the wives of members of the Forces and other women somewhat similarly placed—for example, the wives of members of the Control Commission in Germany. We have also considered this question in its wider aspect in relation to all women confined abroad, and we think that, subject to special qualifying conditions, a woman who is entitled by reason of her own or her husband's insurance record to either of the grants we have recommended should not be prevented by her absence from Great Britain from receiving them.

110. We appreciate however that the National Insurance Fund receives a substantial amount of money from the Exchequer, provided by the taxation of contributors in this country. It might be argued that there would be no injustice to people abroad who are not necessarily paying taxes here if their insurance gave no title to maternity benefit while abroad. Nevertheless, provided benefit is payable only to persons who can show that they have had some reasonably long and continuing connection with this country, and that they have been paying contributions up to the time of the confinement, there is in our view a strong case for permitting the pre-natal grant and maternity grant to be payable for confinements abroad.

Special conditions for payment abroad of the pre-natal and maternity grants

111. To ensure that a person on whose insurance maternity benefit (other than maternity allowance) is claimed in respect of a confinement abroad has been paying contributions regularly during a period not long before the confinement, we think that, in addition to the normal test of twenty-six contributions paid since entry into insurance, the person on whose insurance the benefit is claimed should have paid or been credited with 45 contributions in the last contribution year before the confinement. This test is very similar to one which enables death grant to be paid in respect of a death abroad.

112. Similarly a special condition will in our view be necessary to ensure that only those are included who have spent some appreciable period in this country before going abroad and who may therefore be presumed to have some relatively close connection with this country. Such is broadly the intention behind the conditions under which a person is entitled to contribute voluntarily while abroad; these conditions are, in general, that he shall either have resided in this country for a continuous period of three years or have paid 156 contributions as an insured person. We favour the application, where possible, of tests which are already in use in other connections—as tending to make the scheme simpler for the insured person to understand and easier to administer—and in our judgment therefore the person on whose insurance a grant in respect of a confinement abroad is claimed should, in addition to satisfying the other conditions we have recommended, be a person who is entitled to contribute voluntarily under Regulation 5 of the Residence and Persons Abroad Regulations, or who would be so entitled if he or she were abroad and not required to pay contributions as an employed person.

113. In our opinion these benefits should not be paid to people who have completely severed their connection with this country. We consider therefore that provision should be made to exclude such persons, provided rules can be framed which could be administered without undue difficulty. In any event, we think that benefit should not be payable by virtue of her husband's insurance to a woman confined abroad where the couple have ceased to reside together (apart from any temporary absence of either of them).

114. We have earlier recommended that the pre-natal grant should be payable in this country from about the eighth week before confinement. Payment before confinement can only be made on a certificate of expected confinement, and in the case of confinement abroad we do not think that this is necessary, or practicable. In these cases the grant should be payable only on a certificate that the woman has been confined.

115. Furthermore, we think that the maternity grant payable in respect of confinements abroad should be limited to £3. The second £3 of this grant is in lieu of the provision made in the National Health Service for confinements in hospital. The conditions in regard to free and assisted confinements in hospital in the case of women abroad differ so much as to make it impracticable to frame an equitable rule for an adjustment in these cases. In reaching this decision we have also had regard to the fact that payment of contributions by persons abroad is, in the main, voluntary.

116. We have noted that under the existing provisions payment of maternity benefit in respect of a confinement abroad is made only to a representative in this country, except that it can be paid to a woman abroad who is, or is the wife of, a member of the Forces. We think that the pre-natal and maternity grants should be paid abroad, where the woman so requests and exchange restrictions allow. This concession would provide an added reason for our proposal that the pre-natal grant should not be payable until after confinement, since only one instrument of payment would then be required.

117. Accordingly we recommend that:

no change should be made in the provisions relating to payment of maternity allowance abroad; the new pre-natal grant and a £3 maternity grant should be payable in respect of confinements occurring abroad provided that the person on whose insurance the benefit is claimed

- (a) has paid or been credited with 45 contributions in the last contribution year before the confinement; and
- (b) is a person who is entitled to contribute voluntarily under Regulation 5 of the Residence and Persons Abroad Regulations; or would be so entitled if he or she were abroad and not required to pay contributions as an employed person;

these grants should only be paid to a woman confined abroad claiming on her husband's insurance where (apart from any temporary absence of either of them) she is residing with him; and no restriction should be imposed on the actual payment abroad of the grants awarded.

OTHER REPRESENTATIONS

118. Certain representations, other than those to which we have already referred, have been made to us in regard to the present maternity benefit provisions, and we propose now to comment on these.

Unmarried women and maternity benefit

119. The Ministry have informed us that, as a result of their special enquiries, they found that only 1.7 per cent. of claims in the sample examined were made by single women, whereas during the six pre-war years (1933-1938) 4.5 per cent. of births in the United Kingdom were illegitimate. One reason suggested to us for the comparatively small number of these claims is that when children are born to single women the women have frequently not been paying insurance contributions, generally because they have a low income. This situation is likely to arise, for example, where an unmarried woman is living with a man who is maintaining her and they are living together as man and wife; if she is not paying insurance contributions, she is ineligible for maternity benefit. It has been argued that, where the association between a man and a single woman is of some permanence, and where a genuine effort has been, and is being, made to create a home and family life for the two partners and their children, there should be provision whereby maternity benefit could be paid in respect of

the man's insurance. Similar considerations apply where the woman concerned is a widow or is divorced. The maternity benefit provisions under the National Insurance Act have been compared unfavourably in this respect with the provisions made, during the war, by the Service Departments for the "unmarried wife" of the serving man who made an allocation to her from his pay.

120. We have considered this question sympathetically, but have concluded that the existing maternity benefit provisions could not be adapted to cover this type of case. In order to determine whether or not the association between a man and a single woman could be regarded as of some permanency, it would be necessary to make detailed enquiries into the circumstances. Such enquiries would, by their very nature, have to be limited to the claimant and the man, but, even so, they might well be resented. It would moreover be extremely difficult to decide what period, and what circumstances, would be sufficient to justify regarding the relationship as a relatively permanent one. We find ourselves therefore in general agreement with the comments we have received, which have suggested that no special provision should be made for the unmarried woman. The single woman retains, of course, in all circumstances the right to maternity benefit on her own insurance, provided she satisfies the contribution conditions.

121. The relatively small number of claims by single women has also been attributed to reluctance by these women to disclose their position to officials. We have enquired whether the procedure for claiming maternity benefit, in particular the arrangements at local offices, might deter single women. We are told that the Ministry have no reason to believe that the procedure for obtaining maternity benefit deters single women from claiming. A claim form can be obtained from any maternity and child welfare clinic, or from any local office of the Ministry. It can be obtained and returned by post, or by a friend, and payment is normally made by postal draft or order book sent by post. If, however, the woman does go to the local office to get the claim form, or to hand it in when completed, or to make any enquiries about her right to benefit, she can ask for a private interview. In local offices there is a notice informing her of this. Further, if, when she claims, she elects to prefix her name with "Mrs.", then, provided she claims on her own insurance, no enquiry is made about her marital status. This use by single women claiming on their own insurance of the prefix "Mrs." may indeed be a major reason for the surprisingly low figure quoted in paragraph 119. The information recorded here has satisfied us that single women need not be, and probably, in the main, are not, deterred from claiming because of fears that their affairs will be publicly disclosed or discussed.

Separated married women

122. We should mention here a somewhat similar point to which our attention has been drawn, namely the position of a married woman separated from her husband. For a married woman to claim maternity benefit on her husband's insurance it is not necessary that she should be living with him; it is her married status which confers the benefit. The fact that she may be living with another man, and that the child may not be the child of her legal husband, does not prevent her getting maternity benefit on her husband's insurance. We have considered whether maternity benefit should be withheld from such a woman when she claims on her husband's insurance, but in our opinion no change should be made. This decision is reached on practical grounds, and we do not find it necessary to comment on the moral issues involved. Our reasons are twofold. First, to take away from separated

married women the right to claim maternity benefit on their husband's insurance would be, in many cases, to deprive them of the benefit, since many of them would not be, and could not become, insured persons, and could not therefore qualify for it on their own insurance. Secondly, in order to acquire the necessary information to decide whether the separation was sufficiently permanent to justify disallowing a claim, it would be necessary to make enquiries of a nature which would rightly arouse public criticism.

Payment of maternity benefit on the death of the mother

123. It has been represented to us that the maternity grant and attendance allowance should be payable for a live birth, even when the mother dies. The general position at present is that, if no claim to maternity benefit has been made, or if a claim has not been settled and paid at the time the death occurs, the Minister may appoint a person (e.g., the husband) to proceed with the claim or to make a claim to the benefit to which it is alleged the deceased was entitled. Subject to satisfying the statutory authorities as to the reason for any lateness of claiming, a husband (or other person appointed by the Minister) may thus receive any of the maternity benefits (including the grant) which were payable before the death.

124. Under the proviso to Section 14 (2) of the National Insurance Act, 1946 (see Appendix 1 (a)) however, no attendance allowance may be paid for any week after the week in which the woman dies. It has been argued that in such circumstances a father left with a motherless baby may need domestic help even more than the mother would have done, had she survived. We have great sympathy with this view and, if our recommendation that the present attendance allowance should be payable as a "maternity grant" is accepted, we see no justification for withholding this benefit, or any part of it, as may happen at present, if the mother dies during or shortly after her confinement.

125. Proviso (a) to Section 15 (2) of the Act (see Appendix 1 (a)) imposes a similar prohibition with regard to payment of maternity allowance after the week in which a woman dies. We are of the opinion that this provision should continue. Like sickness benefit and unemployment benefit, maternity allowance is paid in recognition of loss of earnings and, in the same way as the justification for these benefits ceases with the death of the beneficiary, so the justification for the maternity allowance also comes to an end on the woman's death.

126. We therefore recommend that:

payment of the new maternity grant should be made in all cases except where neither the mother nor the child has survived.

Overlapping of maternity allowance with widow's benefit

127. It has been represented to us that there is hardship to widows who, because of the provisions of the National Insurance (Overlapping Benefits) Regulations, 1948, are not entitled to maternity allowance in addition to either widow's allowance, widowed mother's allowance or widow's pension. While it is true that the widow's allowance is to some extent a "resettlement benefit", paid to help the widow during the period of adjustment following her husband's death, it is also, like the maternity allowance and other widow's benefits, a maintenance benefit intended to compensate for the loss of the earnings either of herself, or of her late husband. It seems reasonable to suggest that it is the resettlement element of the widow's allowance which justifies payment at a rate (36s. a week) above the usual 26s. payment of

maintenance benefits. If the provisions of the Overlapping Benefits Regulations continue to apply to the widow's allowance and new maternity allowance in the same way as at present, the latter allowance of 26s. a week will be extinguished by the higher 36s. rate of the widow's allowance. The resettlement element will thus be preserved to the widow, whilst, as at present, the maintenance element will not be duplicated. This seems to us to accord with the principle laid down in our first report on the Overlapping Benefits Regulations, that double provision should not be made under the National Insurance scheme for the same contingency. We therefore see no reason to depart from our recommendation in that report that the maternity allowance ought not to be payable with any of these widow's benefits.

TRANSITIONAL ARRANGEMENTS

128. The changes we recommend, some of which are fundamental, would, we believe, be beneficial to the generality of married women. We think that those which are accepted should be implemented as soon as the legislative and administrative machinery allows. We are agreed however that a period of transition will be necessary, at least to ensure that no woman shall be debarred from receiving maternity benefits, to which she would have been entitled under the existing qualifying conditions, until she has had time to qualify for them under the new conditions we propose.

129. We make no specific recommendation on this point, but express our opinion that adequate transitional arrangements should be made.

PUBLICITY

130. Finally we have received representations urging that greater publicity should be given to the benefit provisions, and in particular to the qualifying conditions under which these benefits are payable. It has also been recommended that further general advice should be given as to the importance of keeping contributions paid up to date, or applying for credits, in order that the contribution conditions may be satisfied before the claim is made.

131. We understand from the Ministry that, in order to ensure that an expectant mother is made aware of her rights to maternity benefit and of the time limits within which a claim should be made, she is given a copy of the leaflet on "Maternity Benefit" (N.L.17) when she obtains her expectant mother's ration book from the Food Office; and that she can also obtain the leaflet at any maternity and child welfare clinic or local office of the Ministry. This leaflet describes the benefits and the time limits for claiming benefit, and also informs the expectant mother that she can, if she wishes, obtain a claim form for benefit from the clinic instead of from the local office of the Ministry. She is, in addition, reminded of her title to maternity benefit, and the time limits for claiming it, by posters displayed at the maternity clinic.

132. We are sure that much has been done already to make the public aware of the maternity provisions. We think however that, if the recommendations we make in this Report are accepted, there should, for a time, be increased publicity, so that the new provisions are made as widely known as possible.

Section VI. Summary of Recommendations

Our recommendations on the question referred to us are as follows:—

- (a) the present maternity grant should continue, but be called by a name such as "pre-natal grant"; in the case of multiple births, the pre-natal grant should be payable for each child; the amount payable for first and subsequent births should not differ; and in order that the pre-natal grant should be increased above the present rate of £4, any money available for expenditure on maternity benefit, after our other recommendations have been implemented, should be devoted to raising this grant; (paragraph 42)
- (b) the present weekly attendance allowance should be replaced by a new maternity grant; this grant should be payable in addition to the maternity allowance. The sum payable should be £6 when the confinement is at home (to be paid in two instalments, £3 on confinement and the balance of £3 a fortnight after confinement), and £3 when the confinement is in hospital (to be paid a fortnight after confinement); (paragraph 50)
- (c) when a woman is entitled to maternity allowance, the pre-natal grant and the maternity grant should be payable without further contribution conditions. In all other cases the qualifying conditions for the grants should require that either the husband or the woman should have paid 26 contributions since becoming insured; and that 26 contributions should have been paid or credited in the last complete contribution year before the benefit year in which the confinement occurs or, where appropriate, is expected; (paragraph 55)
- (d) a benefit known as maternity allowance should continue to be payable; the rate of benefit should be 26s. a week, and the period of entitlement should be extended, so as normally to be for eighteen weeks, covering eleven weeks before the expected week of confinement, the week of confinement and six weeks after confinement; (paragraph 77)
- (e) the qualifying period for maternity allowance should be a period of 52 weeks, ending at the thirteenth week before the expected week of confinement; the conditions should be that, during this 52 weeks period, 45 contributions in Class 1 or Class 2 should have been paid or credited for weeks of unemployment or sickness, and that, of the 45 contributions, at least 26 should be actual paid contributions and there should be a scale of reduced benefits for those who have a record of less than 45, but have at least 26 weeks covered by actual contributions in Class 1 or Class 2; (paragraph 84)
- (f) sickness or unemployment benefit should not be payable at the same time as maternity allowance, but the benefit at the higher rate should be payable; where under present conditions a woman would be regarded as having a dependant, dependency benefit should be payable as an increase of maternity allowance; and where a woman is entitled to a maternity (post-natal) grant, sickness or unemployment benefit should not be payable for the four weeks following confinement; (paragraph 90)

- (g) claims to maternity allowance should be accepted at any time from the fourteenth week before the expected week of confinement, but there should be no change in the provision that the allowance should not be payable in respect of any week prior to the date of claim; claims to the pre-natal and maternity grants should be accepted at any time between the ninth week before the expected week of confinement and three months after the date of confinement; and the rules governing time limits on matters common to all benefits should continue to apply; (paragraph 104)
- (h) no change should be made in the provisions relating to payment of maternity allowance abroad; the new pre-natal grant and a £3 maternity grant should be payable in respect of confinements occurring abroad provided that the person on whose insurance the benefit is claimed:
- (i) has paid or been credited with 45 contributions in the last contribution year before the confinement; and
 - (ii) is a person who is entitled to contribute voluntarily under Regulation 5 of the Residence and Persons Abroad Regulations, or would be so entitled if he or she were abroad and not required to pay contributions as an employed person;
- these grants should only be paid to a woman confined abroad claiming on her husband's insurance where (apart from any temporary absence of either of them) she is residing with him; and no restriction should be imposed on the actual payment abroad of the grants awarded; (paragraph 117)
- (i) payment of the new maternity grant should be made in all cases except where neither the mother nor the child has survived. (paragraph 126)

Signed:—

WILL SPENS, *Chairman*
 JOHN S. BOYD
 J. KAYE CHARLESWORTH
 LEONORA DAVIES
 JOHN RITCHIE
 ALFRED ROBERTS
 WILLIAM A. ROBSON
 EILEEN M. SPELMAN
 H. W. TOWNLEY

P. A. PARR,
Secretary

P. J. SEARBY,
Assistant Secretary

30th November, 1951.

National Insurance Act, 1946

Main Provisions relating to Maternity Benefit

(a) Sections 14-16 of the Act

Maternity Benefit

Maternity
grant and
attendance
allowance.

14.—(1) Subject to the provisions of this Act, a woman shall be entitled to a maternity grant and attendance allowance if—

(a) it is certified by a qualified practitioner that she has been confined; and

(b) she or her husband satisfies the relevant contribution conditions;

Provided that she shall not be entitled—

(i) to a maternity grant or an attendance allowance by virtue both of her own and of her husband's insurance; or

(ii) to an attendance allowance if she satisfies the contribution conditions for a maternity allowance.

(2) The period for which an attendance allowance is payable shall be the period of four weeks beginning with the date of the confinement:

Provided that, if the woman entitled to the allowance dies, the allowance shall not be payable for any subsequent week.

(3) Regulations may provide for disqualifying a woman for receiving an attendance allowance if, during the period of four weeks beginning with the date of the confinement, she does any work as an employed or self-employed person, or fails without good cause to observe any prescribed rules of behaviour.

(4) Except where regulations otherwise provide, a woman shall not be entitled to a maternity grant or an attendance allowance in respect of a confinement if on the date of the confinement she is outside Great Britain.

(5) A woman certified in accordance with subsection (1) of this section to have been confined of twins or a greater number of children shall, if the other conditions for payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each of them.

(6) Regulations may modify the provisions of this section so far as they relate to a maternity grant with a view to making the grant payable, if the woman's claim indicates that she so desires, by virtue of a certificate that it is to be expected that she will be confined, instead of by virtue of a certificate that she has been confined.

(7) For the purposes of this section the expression "husband" includes a widow's late husband, where the benefit is claimed in respect of a posthumous son or daughter of his.

Maternity
allowance.

15.—(1) Subject to the provisions of this Act, a woman shall be entitled to a maternity allowance, if—

(a) it is certified by a qualified practitioner that it is to be expected that she will be confined in a week specified in the certificate (hereafter in this section referred to as the "expected week of confinement"), not being more than the prescribed number of weeks after that in which the certificate is given; and

(b) she satisfies the relevant contribution conditions.

(2) Subject to the following provisions of this section, the period for which a maternity allowance is payable shall be the period of thirteen weeks beginning with the sixth week before the expected week of confinement:

Provided that—

- (a) if the woman entitled to the allowance dies, the allowance shall not be payable for any subsequent week;
- (b) if the date of the confinement occurs after the expected week of confinement, the allowance shall, subject to the foregoing proviso, continue to be payable until the expiration of the sixth week after the week in which that date occurs.

(3) Where any question arises as to the correctness of the certificate by virtue of which a woman claims or is entitled to a maternity allowance, she may, unless the confinement has already occurred, be required in accordance with regulations to submit herself to medical examination with a view to obtaining a further certificate, and in the case of any difference between the original certificate and the further certificate her right to a maternity allowance may be determined as if the original certificate had agreed with the further certificate.

(4) Regulations may modify subsections (1) and (2) of this section in relation to cases where—

- (a) it is certified by a qualified practitioner that a woman has been confined; and
- (b) either—
 - (i) no such certificate as is referred to in paragraph (a) of the said subsection (1) has been given; or
 - (ii) the date of the confinement was more than seven weeks before the expected week of confinement.

(5) Regulations may provide for disqualifying a woman for receiving a maternity allowance if—

- (a) during the period for which the allowance is payable, she does any work as an employed or self-employed person or fails without good cause to observe any prescribed rules of behaviour; or
- (b) she fails without good cause to attend for or submit herself to any medical examination in accordance with subsection (3) of this section.

(6) In this section the expression "week" means a contribution week.

16.—(1) For the purpose of the provisions of this Act relating to maternity benefit—

Supplemental provisions as to maternity benefit.

- (a) the expression "confinement" means labour resulting in the issue of a living child, or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead, and the expression "confined" shall be construed accordingly;
- (b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child or, if the woman is confined of twins or a greater number of children, to the date of issue of the last of them;
- (c) (subject to any regulations made as to certificates given in respect of women outside the United Kingdom) the expression "qualified practitioner" means a registered medical practitioner or certified midwife or such other midwife as may be prescribed.

(2) In deciding whether or not they shall make an order under the Bastardy Laws Amendment Act, 1872, for the payment of the expenses incidental to the birth of a child, the justices shall not take into consideration the fact that the mother of the child is entitled to maternity benefit.

(b) Third Schedule to the Act, Paragraphs 2 and 3

Maternity Grant and Attendance Allowance

2.—(1) The contribution conditions for a maternity grant or an attendance allowance are—

- (a) that not less than twenty-six contributions of the appropriate class have been paid by the relevant person in respect of the period beginning with that person's entry into insurance and ending immediately before the relevant time; and
- (b) that not less than twenty-six such contributions have been paid by or credited to that person in respect of the last complete contribution year before the relevant time.

(2) In this paragraph—

- (a) the expression "relevant person" means the person by whom the conditions are to be satisfied;
- (b) the expression "relevant time" means the date of the confinement, or, where the relevant person is the husband and he was dead or over pensionable age on that date, the date of his attaining pensionable age or dying under that age.

Maternity Allowance

3. The contribution conditions for a maternity allowance are that—

- (a) not less than forty-five contributions of the appropriate class have been paid by or credited to the claimant in respect of the fifty-two weeks immediately preceding the period for which the allowance is payable; and
- (b) of those contributions not less than twenty-six are either contributions actually paid or contributions credited by virtue of the section contained in Part IV of this Act relating to married women.

(c) National Insurance (Claims and Payments) Regulations, 1948 (as amended)

Regulation 11 of the principal regulations

Disqualification where benefit not claimed within the prescribed time

11.—(1) . . . If a person fails to make a claim for any benefit within the prescribed time in accordance with the following provisions of this regulation, he shall be disqualified for receiving—

- (a) in the case of . . . maternity grant . . . any benefit; or
- (b) . . .
- (c) in the case of attendance allowance, payment in respect of any period more than twenty-eight days before the date on which the claim is made; or
- (d) in the case of maternity allowance, payment in respect of any period before the date on which the claim is made;
- (e) . . .

Provided that, subject to the conditions contained in paragraph (3) of this regulation, if in any case the claimant proves—

- (i) that on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he was entitled to the benefit; and
- (ii) . . . that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claims:

he shall not be disqualified under this paragraph for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date.

(2) The prescribed time for the purposes of the foregoing paragraph shall . . . be—

(a) . . .

(b) . . .

(c) in the case of maternity grant, the period of three months from the date of the confinement; or

(d) in the case of attendance allowance, the period of twenty-eight days from the date of the confinement; or

(e) in the case of maternity allowance, the period up to the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto;

(f) . . .

(g) . . .

(h) . . .

Provided that, subject to the conditions contained in the next succeeding paragraph, if the claimant proves . . . that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time shall be extended to the date on which the claim is made.

(3) The proviso to either of the foregoing paragraphs of this regulation shall apply in any case subject to the condition that no sum shall be paid to any person on account of maternity grant in respect of a confinement occurring more than six months before the date on which the claim therefor is made in accordance with the provisions of these regulations, or on account of any other benefit in respect of any period more than six months before the date on which the claim therefor is so made.

(4) . . .

Regulation 15A of the principal regulations

"Maternity grant and attendance allowance

15A. A claim for a maternity grant or an attendance allowance may be made before the confinement at any time not earlier than the relevant date; and, for this purpose, 'the relevant date' means the date of a certificate furnished by the claimant to the Minister and given by a qualified practitioner(d) that it is to be expected that the claimant will be confined in a contribution week specified in the certificate, not being more than eleven contribution weeks after that in which the certificate is given:

Provided that a claim for an attendance allowance which is so made shall be treated as not having been made unless the claimant furnishes to the Minister a certificate given by a qualified practitioner that she has been confined and the certificate is so furnished within the period of twenty-eight days from the date of the confinement or, if such a certificate is so furnished after that period, unless the claimant proves that there was good cause for the failure to furnish it before the date on which it was furnished."

(d) See s. 16 (1) (c), National Insurance Act, 1946, and reg. 5. National Insurance (Maternity Benefit) Regulations, 1948 (S.I. 1948 (No. 1166) I, p. 2635).

APPENDIX 2

List of main documents referred to in the Report

Acts of Parliament

- Family Allowances Act, 1945 8 & 9 Geo. 6 Ch. 41
 National Insurance Act, 1946 9 & 10 Geo. 6. Ch. 67

Command Papers

- Cmd. 1293 Memorandum by the Government Actuary on the Washington Draft Convention, 1921
 Cmd. 6404 "Social Insurance and Allied Services" (Beveridge Report), 1942
 Cmd. 6550 Social Insurance, Part I. (Government Statement), 1944

House of Commons Papers

Report of the National Insurance Advisory Committee on the:—		House of Commons Paper	
		Session	No.
National Insurance (Maternity Benefit) Regulations, 1948	...	1947/48	147
National Insurance (Classification) Regulations, 1948	...	1947/48	172
National Insurance (Overlapping Benefits) Regulations, 1948 (First Report)	1948/49	36
National Insurance (Claims and Payments) Amendment Regulations, 1949	...	1948/49	223
National Insurance (Hospital In-Patients) Regulations, 1949 (being the Second Report on the Overlapping Benefits Regulations)	1948/49	241
First Interim Report by the Government Actuary under Section 39 of the National Insurance Act	1950/51	103

Statutory Instruments

S.I. 1948 No. 1041	National Insurance (Claims and Payments) Regulations, 1948
No. 1166	National Insurance (Maternity Benefit) Regulations, 1948.
No. 1275	National Insurance (Residence and Persons Abroad) Regulations, 1948
No. 1470	National Insurance (Married Women) Regulations, 1948
No. 2711	National Insurance (Overlapping Benefits) Regulations, 1948
1949 No. 875	National Insurance (Members of the Forces) Regulations, 1949
No. 1392	National Insurance (Claims and Payments) Amendment Regulations, 1949
No. 1461	National Insurance (Hospital In-Patients) Regulations, 1949

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